

## Message Text

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ORIGIN IO-14

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S/S - MR. LUERS

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FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK

INFO AMEMBASSY BONN

AMEMBASSY BRUSSELS

AMEMBASSY THE HAGUE

AMEMBASSY LONDON

AMEMBASSY PARIS

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E.O. 11652: N/A

TAGS: SOCI, UN, ECOSOC, EEC

SUBJECT: HUMAN RIGHTS (HR) -- STRATEGY TO BE PURSUED BY

EC NINE

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REF: USUN 2302

1. DEPT WELCOMES OPPORTUNITY FOR ADVANCE CONSULTATION WITH EEC-9 ON HUMAN RIGHTS ISSUES IN 29TH UNGA. IN LINE WITH DEPT'S DESIRE TO GIVE GREATER EMPHASIS TO UN HUMAN RIGHTS ROLE, WE HOPE THAT CONSULTATIONS WILL LEAD TO MORE POSITIVE, FORCEFUL WEO (AND US) PARTICIPATION IN THIRD COMMITTEE AT 29TH GA. FOLLOWING ARE OUR PRINCIPAL COMMENTS ON POINTS COVERED IN REFTEL.

2. EC-9 PROPOSAL TO GIVE PRIORITY TO TORTURE PROBLEM COINCIDES WITH OUR OWN THINKING, AS WAS SIGNALLED BY SPEECH DELIVERED BY USDEL MEMBER CONGRESSMAN FRASER TO 30TH UN HUMAN RIGHTS COMMISSION (HRC) ON MARCH 1ST. FRASER STATEMENT HIGHLIGHTED TORTURE AS MOST SHOCKING OF HUMAN RIGHTS VIOLATIONS AND CALLED FOR RECOMMENDATIONS ON MEASURES TO PREVENT ITS PRACTICE. USUN SHOULD INFORM EC-9 OF OUR DEEP INTEREST IN THIS MATTER AND OF OUR DESIRE TO CONTRIBUTE TO FORMULATION OF DRAFT RESOLUTION. DEPT WILL BE PREPARING DRAFT RESOLUTION WHICH WILL BE TRANSMITTED TO USUN TO USE IN CONSULTATIONS WITH EC-9. AS TO

TACTICS, WE GENERALLY AGREE THAT RESOLUTION SPONSORS MIGHT BE DRAWN FROM NON-NATO COUNTRIES, BUT WOULD URGE THAT THEY NOT BE LIMITED TO EUROPEANS. WE PLAN TO SPEAK OUT FORCEFULLY ON TORTURE ISSUE AND TO PRESENT OUR OWN IDEAS FOR EFFECTIVE ACTION IN THE UN. WE WOULD THINK THAT DRAFT RESOLUTION SHOULD ADDRESS PROBLEM FROM GENERAL PERSPECTIVE OF RECOMMENDATIONS FOR EFFECTIVE ACTIONS TO BE TAKEN AT THE NATIONAL LEVEL, WITHOUT IDENTIFYING PARTICULAR OFFENDERS. EMPHASIS MIGHT BE ON LEGAL SAFEGUARDS TO BE ADOPTED BY NATIONAL LEGISLATION DESIGNED TO PROTECT PERSONS UNDER DETENTION.

3. DEPT RECALLS THAT AT 28TH GA, IN RESOLUTION 3059, THE SYG WAS REQUESTED TO INFORM THE GA UNDER ECOSOC REPORT OF CONSIDERATION BEING GIVEN TO PROBLEM OF TORTURE BY UN HUMAN RIGHTS BODIES. DEPT WOULD BE INTERESTED IN KNOWING WHETHER SYG INTENDS TO SUBMIT THIS REPORT TO 29TH GA.

4. AS CONCERNS DRAFT DECLARATION ON ALL FORMS OF RELIGIOUS LIMITED OFFICIAL USE

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INTOLERANCE, DEPT WOULD BE PREPARED TO SUPPORT PROCEDURAL DECISION TO PUSH DRAFT DECLARATION THROUGH GA WITHOUT AWAITING FOR HRC. PROCEDURE APPEARS TO BE IN CONFORMITY WITH DECISION (RES 3069) TAKEN BY 28TH GA, WHICH ALTHOUGH REFERRING MATTER TO 30TH HRC, DECIDED TO INCLUDE ON 29TH SESSION AGENDA THE ITEM ON RELIGIOUS INTOLERANCE WITH THE VIEW TO COMPLETING AND ADOPTING, IF POSSIBLE, A DECLARATION. IN VIEW OF OBVIOUS STALLING TACTICS CARRIED ON BY COMMUN-

IST STATES AT 30TH HRC, WE CONSIDER IT OF SPECIAL IMPORTANCE TO ATTEMPT TO CIRCUMVENT THESE TACTICS THROUGH DETERMINED EFFORT IN THIRD COMMITTEE AT 29TH GA.

5. AS CONCERNS CONVENTION ON PROTECTION OF JOURNALISTS IN AREAS OF ARMED CONFLICT, 28TH GA (IN RES 3058) SOUGHT COMMENTS AND ADVICE OF DIPLOMATIC CONFERENCE ON LAW OF WAR. DIPLOMATIC CONFERENCE WAS UNABLE TO TAKE UP DRAFT CONVENTION AT ITS FIRST SESSION IN FEBRUARY-MARCH 1974, BUT INSTEAD UNANIMOUSLY (INCLUDING FRANCE) ADOPTED RESOLUTION REQUESTING ADDITIONAL TIME AND DECIDING TO INCLUDE EXAMINATION OF THE QUESTION ON THE AGENDA OF ITS 1975 SESSION. IN VIEW OF DIPLOMATIC CONFERENCE DECISION, WE FORESEE LITTLE PROBLEM IN SECURING GA DECISION TO POSTPONE CONSIDERATION OF CONVENTION UNTIL AFTER LAW OF WAR CONFERENCE.

6. DEPT ESPECIALLY INTERESTED IN REPORTED DESIRE OF HMG TO FOCUS ATTENTION ON STRENGTHENING UN MACHINERY FOR SAFEGUARDING HUMAN RIGHTS. DEPT HAS ALSO BEEN GIVING CONSIDERABLE ATTENTION TO THIS MATTER AND WE WOULD LIKE TO

EXCHANGE IDEAS WITH HMG. DEPT RECALLS THAT 28TH GA (RES 3136) DECIDED TO PLACE ON PROVISIONAL AGENDA OF ITS 30TH SESSION AN ITEM ON ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN UN SYSTEM FOR IMPROVING EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS. THIS NEW ITEM GREW OUT OF DISCUSSION OF HIGH COMMISSIONER FOR HUMAN RIGHTS PROPOSAL. IN ADDITION TO CONTINUING OUR FIRM SUPPORT FOR HIGH COMMISSIONER IDEA, WE EXPECT TO HAVE OTHER PROPOSALS TO PUT FORWARD UNDER THIS ITEM. SINCE MEASURES IN THIS AREA REQUIRE EXTENSIVE ADVANCE CONSULTATION, DEPT AGREES THAT GA ACTION FOR 29TH SESSION MIGHT LIMITED OFFICIAL USE

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BETTER BE CONFINED TO PROCEDURAL RES ALONG LINES SUGGESTED PARA 7 REFTEL. THIS COULD BE DESCRIBED AS NECESSARY PREPARATORY REPORT FOR IN-DEPTH DISCUSSION OF SUBJECT AT 30TH GA. PRESUME MATTER COULD BE RAISED UNDER ECOSOC REPORT ITEM. USUN SHOULD INFORM HMG OF OUR INTEREST IN THIS SUBJECT AND OF OUR DESIRE TO EXCHANGE IDEAS DURING OUR BILATERAL CONVERSATIONS.

7. DEPT'S INTEREST IN STRENGTHENING UN HUMAN RIGHTS MACHINERY HAS BEEN HEIGHTENED BY INCREASED RESPONSIBILITIES BEING CARRIED OUT BY HRC UNDER ECOSOC RESOLUTION 1503 PROCEDURES. THESE NEW PROCEDURES PROMISE TO ADD CONSIDERABLY TO WORK OF HRC, WHICH ALREADY IS UNABLE TO COPE WITH ITS LONG AGENDAS. WE REGARD NEW PROCEDURES AS PROVIDING IMPORTANT SAFETY VALVE FOR CONSIDERATION OF CONSISTENT

AND GROSS VIOLATIONS OF HUMAN RIGHTS AND ARE SEEKING MEANS OF ASSURING THAT HRC WILL PERFORM ITS NEW RESPONSIBILITIES IN THE BEST MANNER POSSIBLE. ONE IDEA WHICH WE HAVE BEEN CONSIDERING IS THAT THE HRC MIGHT MEET MORE OFTEN THAN ONCE A YEAR. DEPT WOULD BE INTERESTED IN REACTIONS OF EC-9 TO THIS IDEA.

8. RES ON TWO HUMAN RIGHTS COVENANTS IS ROUTINE EXERCISE ADOPTED BY GA EACH YEAR. AGREE THAT RES SHOULD INCLUDE CALL FOR ACCESSION TO OPTIONAL PROTOCOL. SISCO

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